



Employee Sick Leave Bank Guidelines

ENROLLMENT PERIOD will be conducted in August, September, and October.

ENROLLMENT FORMS may be obtained from your human resources office or the Department of Human Resources, Employee Relations Division. The enrollment form must be returned to the Department of Human Resources, Sick Leave Bank, no later than October 31.

I. PURPOSE:

The Sick Leave Bank shall provide sick leave to qualifying members who are medically unable to perform the duties of their jobs as a result of a personal illness, injury, accident, disability, medical condition, or quarantine and who have exhausted all their personal sick, compensatory, and annual leave balances.

II. ADMINISTRATION:

The Sick Leave Bank shall be administered by a Board of Trustees. The Board is comprised of the Commissioner of Human Resources or designee, the Commissioner of Finance and Administration or designee, the State Treasurer or designee, the Executive Director of the Fiscal Review Committee or designee, and three (3) members – one (1) from each grand division and each employed by a different department or agency – selected by the employee organization at their annual legislative convention.

III. GUIDELINES:

1. All persons employed by state government who are entitled to accrue sick leave pursuant to Tennessee Code Annotated §8-50-802, who have been employed by state government for twelve (12) full months immediately preceding application for participation, who are in leave accruing status, and who have a sick leave balance of at least six (6) days as of October 31 of the current enrollment year are eligible to participate in the Sick Leave Bank.
2. State employees electing to participate shall do so during the months of August, September, or October of any year. Application shall be made on forms approved by the Board of Trustees.
3. Any state employee who elects to participate in the bank shall initially have the equivalent of four (4) days of sick leave deducted from his or her personal accumulation and donated to the Sick Leave Bank. Thereafter, a contribution of one (1) day of sick leave per year will be made each October 1. This yearly contribution may be waived in any year by notice from the Board of Trustees.
4. Donations to the Sick Leave Bank are nonrefundable and nontransferable.
5. At any time the number of days in the Sick Leave Bank is less than one hundred (100), or one (1) per member if there are more than one hundred (100) members, or at any time deemed advisable, the Trustees shall assess each member one or more days of accumulated sick leave. If a member is not in leave accruing status and has no accumulated sick leave at the time of the assessment, the first earned days shall be donated as they are accrued by the member. **It is the responsibility of the member to notify the Sick Leave Bank Administrator upon accrual and hold the sick leave in his or her sick leave balance for assessment.** Failure to meet the assessment within one (1) year constitutes refusal to honor an assessment as outlined in Item 26.
6. The Sick Leave Bank Trustees shall establish the criteria for distributing sick leave from the bank, hear appeals regarding denials of requests for sick leave and prescribe the form and manner of participation in the bank.
7. The Employee Relations Division of the Department of Human Resources shall determine whether to grant or deny all initial requests for sick leave to be distributed from the Sick Leave Bank. The initial determination shall be made within ten (10) calendar days from receipt of all necessary documentation.
8. All appeals to the Sick Leave Bank Trustees must be filed with the Employee Relations Division of the Department of Human Resources within fifteen (15) calendar days from receipt of a determination.
9. Members of the Sick Leave Bank shall be eligible to make application to the bank for sick leave on February 1 following enrollment. Application shall be made on forms approved by the Board of Trustees.
10. Leave grants from the bank shall not be more than twenty (20) consecutive days for which the individual member would have otherwise lost pay. A member may receive a maximum of ninety (90) days from the Sick Leave Bank as a result of a personal illness, injury, accident, disability, medical condition, or quarantine, or a condition related to, resulting from, or recurring from a previously diagnosed condition for which the Sick Leave Bank granted benefits.
11. Grants of sick leave from the bank shall not exceed ninety (90) days within a twelve (12) month period. The initial twelve (12) month period starts on the date the member's Sick Leave Bank benefits first begins and extends twelve (12) months forward from that date. A new twelve (12) month period would begin the first time Sick Leave Bank benefits are begun after completion of the previous twelve (12) month period.
12. A member initially shall not receive any sick leave from the bank until after having exhausted all accumulated sick, compensatory, and annual leave and after having been in a without pay status for five (5) consecutive days. A member shall not be subject to an additional five (5) days without pay for a personal illness, injury, accident, disability, medical condition, or quarantine, that is related to, resulting from, or recurring from a previously diagnosed condition for which the Sick Leave Bank granted benefits.
13. "Eligibility date" shall be defined as the date the member exhausts all accumulated sick, compensatory, and annual leave. The member is considered to have filed in a timely manner if the application for Sick Leave Bank benefits is submitted no earlier than two weeks prior but no later than thirty (30) workdays after a member's eligibility date absent any extraordinary circumstances. Should a member's application be received more than thirty (30) workdays after the member's eligibility date and no extraordinary circumstances are found, the application for benefits will be denied and no further applications for benefits regarding that specific illness/injury will be accepted.
14. Any application for sick leave from the Sick Leave Bank shall require a Withdrawal Request Application completed by the member. All Withdrawal Request Applications shall be completed by the member and forwarded to the member's departmental human resources office.
15. The Medical Certification Form shall be completed in its entirety by the current attending medical doctor/surgeon at the time of application. All Medical Certification Forms shall be forwarded by the medical office directly to the Sick Leave Bank. Medical Certification Forms received directly from anyone other than the medical office shall not be accepted by the Sick Leave Bank. The Medical Certification Form shall be based on a treatment visit occurring within the timeframe set forth in Item #13. The treatment visit should be as close as possible to the date the member exhausts all leave balances. A treatment visit may include a visit while in the hospital or the date of surgery.

16. Members may submit subsequent applications for extensions of sick leave grants before or after their prior grants expire. Any such subsequent applications relating to the same injury or illness shall be based on a follow-up treatment visit and shall require a Withdrawal Request Application and a Medical Certification Form. The Medical Certification Form shall be completed by the current medical doctor/surgeon or by a nurse practitioner/physician's assistant working directly under the supervision of the medical doctor/surgeon. All Medical Certification Forms shall be forwarded by the medical office directly to the Sick Leave Bank. Medical Certification Forms received directly from anyone other than the medical office shall not be accepted by the Sick Leave Bank. Refusal to comply will result in denial of the pending request for continued use of additional sick leave days from the bank.
17. A nurse as defined in Tennessee Code Annotated Title 63, Chapter 7, and employed by a home care organization or hospice as defined in Tennessee Code Annotated Section 68-11-201 and working directly under the supervision of a medical doctor/surgeon may complete subsequent Medical Certification forms based on follow-up treatment visits for approved members diagnosed as terminally ill by a medical doctor/surgeon. For the purpose of this guideline, a treatment visit may include a visit by the nurse to the member's regular or temporary place of residence.
18. In the event a member dies while receiving grants from the bank, a death certificate may be submitted in place of a subsequent Medical Certification form. Sick leave grants shall be limited to twenty (20) days or up to the date of death, whichever is less.
19. In the event that a member is physically or mentally unable to make a request to the Sick Leave Bank for use of sick leave days, a family member or agent may file a request.
20. Grants of sick leave from the bank shall not be made to any member on account of elective surgery, illness of any family member, while the member is receiving income from other employment, or during any period the member is receiving disability benefits from social security, the state retirement plan, workers' compensation benefits, or any other employer provided benefits for job or service related injuries or illnesses that are also related to the request for Sick Leave Bank benefits.
21. Leave grants from the bank for conditions determined to be pre-existing shall not be eligible for Sick Leave Bank benefits until twelve (12) months following the effective date of membership. "Pre-existing" shall mean a condition which existed for which a member received treatment or advice during the twelve (12) month period prior to the effective date of initial Sick Leave Bank membership. If a member's condition is pre-existing, the member's eligibility date to apply for Sick Leave Bank benefits becomes November 1 of the year following enrollment. The member must submit an application no earlier than two weeks prior but no later than thirty (30) workdays after November 1 absent any extraordinary circumstances.
22. The Board of Trustees or the Board's designee may require a second medical opinion concerning any member's application for benefits.
23. If a member sustains a job or service related injury or illness, he/she must first submit a claim for workers' compensation (or the equivalent if service related) and receive a determination prior to receiving Sick Leave Bank benefits.
 - a. If denied, the Sick Leave Bank will consider a request for benefits. The member shall have up to thirty (30) workdays after the denial of a workers' compensation claim in which to file an application with the Sick Leave Bank.
 - b. If approved, the Sick Leave Bank will not consider a request for benefits.
24. Members who received lost time and/or a settlement based on a workers' compensation claim or any other employer provided benefits for job or service related injuries or illnesses are not eligible for Sick Leave Bank benefits for any claims involving such injuries or illnesses.
25. Sick Leave Bank benefits terminate as of the date the member is released to return to work even with restrictions. When the member's agency has a written policy that prohibits the member returning to work with restrictions, the member is eligible for continued benefits if all other eligibility requirements are met.
26. Sick leave used from the Sick Leave Bank shall not constitute creditable service for sick and annual leave accrual or for longevity purposes.
27. A member shall lose the right to membership and to obtain the benefits of the Sick Leave Bank by:
 - a. Resignation or termination of employment with the State of Tennessee;
 - b. Transferring to any state agency or institution that does not accrue leave pursuant to Tennessee Code Annotated §8-50-802;
 - c. Changing to part-time employment status;
 - d. Cancellation of participation which is effective only on June 30 next;
 - e. Refusal to honor such assessment as may be required from time to time by the Board of Trustees to maintain an adequate number of reserve days in the bank; and
 - f. Retirement.
28. By written notice to the Trustees, a member may withdraw from the bank participation on any June 30. Membership withdrawal results in forfeiture of all days contributed.
29. Upon a finding by the Sick Leave Bank Administrator of any material misrepresentation of facts by a member in making application for use of sick leave from the Sick Leave Bank, the Board of Trustees may vote to expel and/or deny benefits to the member. Any member expelled from the Sick Leave Bank by the Board of Trustees shall lose all present and future rights to membership, benefits, and re-enrollment in the Bank.
30. Any member who receives Sick Leave Bank benefits through the use of any material misrepresentation of facts shall be liable for the reimbursement of all salary and benefits expended by the bank. **ALL MEMBERS CONSENT TO PAYROLL DEDUCTION FOR THE REIMBURSEMENT OF SICK LEAVE BANK BENEFITS EXPENDED THROUGH THE USE OF ANY MATERIAL MISREPRESENTATION OF FACTS.**
31. In the event the Sick Leave Bank is dissolved, the total number of days on deposit shall be returned to the then participating members and credited to their personal sick leave accumulation in proportion to the number of days each has contributed individually. Days returned under this section and credited to the individual member's accumulation shall be rounded to the nearest one-half (1/2) day.

FOR ADDITIONAL INFORMATION, CONTACT:

- Your agency's human resources office
- State Employee Information Line - Statewide Toll Free – 1-800-221-SEIL (7345)
- Department of Human Resources, Employee Relations Division – Davidson County – 615-741-1646
- Employee Sick Leave Bank Program website – http://www.state.tn.us/dohr/resources/sickleave/sickleave_index.htm

